

**4243. Misbranding of pentobarbital sodium capsules and secobarbital sodium capsules. U. S. v. Samuel S. Steinberg. Plea of guilty. Sentence of 3 months in jail. (F. D. C. No. 35115. Sample Nos. 3029-L, 72239-L.)**

**INDICTMENT RETURNED:** April 20, 1953, District of Columbia, against Samuel S. Steinberg.

**NATURE OF CHARGE:** On or about December 23, 1952, and April 18, 1953, the defendant dispensed a number of *pentobarbital sodium capsules* and *secobarbital sodium capsules* without prescriptions therefor from a practitioner licensed by law to administer such drugs. These acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

**DISPOSITION:** December 18, 1953. The defendant having entered a plea of guilty, the court sentenced him to serve 6 months in jail.

On February 14, 1954, upon motion of the defendant, an order was entered reducing the sentence to 3 months in jail.

**4244. Misbranding of pentobarbital sodium capsules and paraldehyde. U. S. v. Samuel L. Cohen (Bunker Hill Drug). Plea of not guilty. Verdict of guilty. Fine of \$1,000 and sentence of 6 months in jail. Jail sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 34308. Sample Nos. 6587-L to 6589-L, incl., 44571-L.)**

**INFORMATION FILED:** February 24, 1953, District of Massachusetts, against Samuel L. Cohen, trading as Bunker Hill Drug, Charlestown, Mass.

**NATURE OF CHARGE:** On or about July 2, 7, and 9, 1952, while a number of *pentobarbital sodium capsules* and a quantity of *paraldehyde* were being held for sale at Bunker Hill Drug, after shipment in interstate commerce, the defendant caused various amounts of the *pentobarbital sodium capsules* and a quantity of *paraldehyde* to be dispensed without prescriptions from a practitioner licensed by law to administer such drugs. These acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

**DISPOSITION:** The defendant having entered a plea of not guilty, the case came on for trial before the court and jury on December 3, 1953. The trial was concluded on the same day, with the return of a verdict of guilty by the jury and the imposition of a fine of \$1,000 and a sentence of 6 months in jail against the defendant. The jail sentence was suspended, and the defendant was placed on probation for 2 years.

**4245. Misbranding of apiol and ergotin compound capsules and sulfadiazine tablets. U. S. v. Isadore Shapiro (Ted Shapiro's Drugs). Plea of nolo contendere. Fine of \$250 on count 1. Imposition of sentence suspended on remaining 4 counts of information and defendant placed on probation for 3 years. (F. D. C. No. 34831. Sample Nos. 25784-L, 41531-L, 41746-L to 41748-L, incl.)**

**INFORMATION FILED:** May 6, 1953, District of New Jersey, against Isadore Shapiro, trading as Ted Shapiro's Drugs, Camden, N. J.

**NATURE OF CHARGE:** On or about July 14, September 30, and October 2 and 4, 1952, while a number of *apiol and ergotin compound capsules* and *sulfadiazine tablets* were being held for sale at Ted Shapiro's Drugs, after shipment in

interstate commerce, the defendant caused various quantities of the drugs to be dispensed without prescriptions from a practitioner licensed by law to administer such drugs. These acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

**DISPOSITION:** November 20, 1953. The defendant having entered a plea of *nolo contendere*, the court fined him \$250 on count 1, suspended the imposition of sentence on the remaining 4 counts of the information, and placed him on probation for 3 years.

**4246. Misbranding of sulfathiazole tablets. U. S. v. Meyer Goldberg. Plea of guilty. Fine, \$600. (F. D. C. No. 35116. Sample Nos. 41532-L, 41542-L, 66951-L.**

**INFORMATION FILED:** July 21, 1953, Eastern District of Pennsylvania, against Meyer Goldberg, Philadelphia, Pa.

**NATURE OF CHARGE:** On or about January 22, 26, and 29, 1953, while a number of *sulfathiazole tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be dispensed without a prescription from a practitioner licensed by law to administer such drug. These acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed tablets being misbranded while held for sale.

**DISPOSITION:** December 10, 1953. The defendant having entered a plea of guilty, the court fined him \$600.

#### **DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS**

**4247. Misbranding of methamphetamine hydrochloride tablets and dextro-amphetamine sulfate tablets. U. S. v. Fred Meyer, Inc. Plea of *nolo contendere*. Fine, \$500. (F. D. C. No. 33753. Sample Nos. 28973-L, 29179-L to 29186-L, incl., 29188-L, 29189-L, 29892-L, 30435-L.)**

**INFORMATION FILED:** September 14, 1953, District of Oregon, against Fred Meyer, Inc., Portland, Oreg.

**ALLEGED VIOLATION:** On or about October 17, 18, 19, and 30, and November 7, 1951, while a number of *methamphetamine hydrochloride tablets* and *dextro-amphetamine sulfate tablets* were being held for sale at Fred Meyer, Inc., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), portions of the repackaged *methamphetamine hydrochloride tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), portions of the repackaged *methamphetamine hydrochloride tablets* and all of the repackaged *dextro-amphetamine sulfate tablets* failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (2), the labels of the repackaged *dextro-amphetamine sulfate tablets* and of portions of the repackaged *methamphetamine hydrochloride tablets* failed to bear the common or usual name of each active ingredient of such drugs; and, Section 502 (f) (2), the labeling of the re-